

## **REMARKS**

### **Amendments**

Claims 1-50 have been canceled, claims 51, 53-55 and 57-60 have been amended, and claims 62-65 have been added. Upon entry of the amendment, claims 51-65 will be pending. Support for the added claims can be found in the specification, for example, page 5, lines 16-24; the Figures; and in the claims as originally filed.

The foregoing amendments are made solely to expedite prosecution of the application and are not intended to limit the scope of the invention. Further, the amendments to the claims are made without prejudice to the pending or now canceled claims or to any subject matter pursued in a related application. The Applicant reserves the right to prosecute any canceled subject matter at a later time or in a later filed divisional, continuation, or continuation-in-part application.

### **Specification**

The reference to USSN 07/847,298 has been deleted.

### **Rejections**

#### ***Rejection under 35 U.S.C. § 112, second paragraph***

Claims 51-61 stand rejected on grounds of indefiniteness.

Claims 51 and 57 stand rejected for recitation of “wherein the first region and second region homologously recombine with the target gene or sequence.” The claims have been amended to more clearly recite the components of the targeting vector.

Claims 56 and 61 have been rejected for recitation of “a fluorescent protein.” The claims have been amended to reflect that the vector comprises a gene encoding the protein.

Claim 59 stands rejected for recitation of the oligo primers, the Examiner arguing that the terminal portions are not clearly defined. The claims have been amended to reflect that the primers comprise 5' terminal portions containing at least 5 nucleotides, wherein one of the 4 types of nucleic acid bases making up the terminal portion is absent.

Applicant submits that the claims as amended address the Examiner's concerns. Applicants express their appreciation to the Examiner in providing guidance in clarifying the claim language. Withdrawal of the rejections is respectfully requested.

***Double Patenting***

Claims 51-61 have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 61-82 of copending application no. 09/885,816.

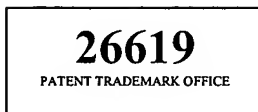
Applicant submits herewith a terminal disclaimer to overcome the provisional rejection.

In view of the above amendments and remarks, Applicant respectfully requests a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

The Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 13-2725.

Respectfully submitted,

12-1-04  
Date



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